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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAY 26 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)

Table of Allotments

FM Broadcast Stations

(Terre Haute, Indiana)

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MB Docket No. 04-105

RM-10909, 10910, 10911

## COMMENTS OF INDIANA STATE UNIVERSITY

Indiana State University ("ISU" or "University"), licensee of the noncommercial station, WISU-FM 89.7, Terre Haute, Indiana, by its counsel, and pursuant to section 1.420 of the Federal Communications Commission ("FCC" or "Commission") Rules (47 C.F.R. §1.420), respectfully submits these comments regarding the above captioned *Notice of Proposed Rulemaking* released by the Commission on April 5, 2004.<sup>1</sup>

## I. INTRODUCTION

Founded in 1865, ISU has enjoyed a long and rich history as an institution of higher learning in Terre Haute, Indiana.<sup>2</sup> With an enrollment of over 11,000 students and over 71,000 alumni, ISU is an integral part of the Terre Haute community. WISU-FM 89.7 has been operated by thousands of ISU students majoring in Radio, Television, and Film since 1964. Throughout that time, WISU-FM has served as a laboratory facility for unique broadcast service to ISU and the Terre Haute community

<sup>1</sup> *In the Matter of Amendment of Section 73.202 (b), Table of Allotments, FM Broadcast Stations. Notice of Proposed Rulemaking*, Released April 5, 2004

<sup>2</sup> Since its founding in 1865, ISU has met change with transition to address the needs of the students it serves. Accordingly, it has also changed names a few times: Indiana State Normal School, 1865-1929; Indiana State Teachers College, 1929-1960; Indiana State College, 1960-1965; and Indiana State University, 1965 to the present.

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ISU agrees with the Commission that the public interest would be served by amending the FM Table of Allotments, Section 73.202 (b) of the rules to reserve certain vacant FM allotments for noncommercial educational (“NCE”) use.<sup>3</sup> Federal regulation of broadcasting has historically placed significant emphasis on ensuring that local television and radio stations are responsive to the needs and interests of their local communities.<sup>4</sup> Reserving the allotments would serve the public interest by providing communities with significant local NCE service.

With respect to the Commission’s proposal to reserve Channel 298B at Terre Haute, Indiana, ISU strongly believes that this area would be best served by a local NCE station that addresses the needs specific to the people of the community. Our nation’s highest Court, as well as this Commission, has recognized and articulated the significance of local programming as a worthy policy objective. In *NBC v United States*, the Supreme Court stated, “[l]ocal program service is a vital part of community life. A station should be ready, able, and willing to serve the needs of the local community.”<sup>5</sup> In its *2002 Biennial Review*, this Commission reaffirmed its policy of promoting localism in the broadcast media.<sup>6</sup> We recognize the FCC’s steadfast commitment to furthering the policy of promoting and encouraging local programming, and we applaud the Commission’s forward movement in this endeavor.

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<sup>3</sup> *Reexamination of the Comparative Standards for Noncommercial Educational Applicants* (“NCE Second Report and Order”), 18 FCC Rcd 6691 (2003)

<sup>4</sup> *In the Matter of 2002 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, 18 FCC Rcd 13620 (2003)

<sup>5</sup> *NBC v United States*, 319 U.S. 190, 203 (1943)

<sup>6</sup> *2002 Biennial Review*, 18 FCC Rcd 13620, 13643 (2003)

## **II. TERRE HAUTE, INDIANA NEEDS A NONCOMMERCIAL EDUCATIONAL BROADCAST STATION THAT ADDRESSES THE NEEDS OF THE LOCAL COMMUNITY.**

Terre Haute is located in West Central Indiana and has a population of approximately 60,000 people. ISU believes Terre Haute would be best served by a local NCE station because this area already has an adequate number of commercial broadcast stations. Approximately thirteen (13) commercial radio stations currently provide service to Terre Haute and the Wabash Valley.<sup>7</sup> Most of these stations offer primarily pre-recorded programming and only a few stations offer "live" programming. Furthermore, only one station in Terre Haute airs local, daily news programming.<sup>8</sup> As a consequence, several portions of this community, including the aging local population, are underserved by local commercial stations, which air programming targeted to younger audiences

ISU recognizes that there are other broadcast needs that would be well served by a local NCE station. For example, an NCE station such as Channel 298B would have the capability to reach communities in the Terre Haute and Wabash Valley area that are currently unable to receive a public broadcast signal. Moreover, to address the needs of the aging local population in the Terre Haute and Wabash Valley area, an NCE station could produce classical music and other fine arts programming specifically targeted to reach this underserved audience. Indeed, the range of programming to address the underserved needs of the Terre Haute community is limitless. Therefore, when considering the ample supply of commercial broadcast stations that service the area, coupled with the fact that the religious-based stations amply serve the area,<sup>9</sup> it is

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<sup>7</sup> The area immediately surrounding Terre Haute, Indiana is also known as the "Wabash Valley "

<sup>8</sup> The only station that airs any local programming utilizes reporting from its television affiliate.

<sup>9</sup> WBGL and WPFR are both religious-based stations that provide sufficient service to this area in this regard

clear that Terre Haute and the Wabash Valley area would be best served by a local NCE station committed to addressing the programming needs of the community.

Over three decades ago, the FCC articulated its commitment to furthering the policy of promoting and encouraging local programming, stating, "[w]e have repeatedly announced our policy to forward local programming in the broadcast services. Local programming is essential, *particularly in the field of education* in that local programming can most effectively deal with the specific problems, needs, and interests in the community being served." *Educational TV Assignment at Terre Haute, Indiana*, 19 RR 2d 1850, 1853 (1970) (emphasis added). ISU believes that the challenge remains before this Commission to continue its efforts to promote and encourage local programming, particularly in underserved communities such as Terre Haute. As such, we believe the reservation of Channel 298B for NCE use is yet another step in the right direction.

### **III. INDIANA STATE UNIVERSITY AND WISU-FM**

Since the early 1930's, ISU students have been exposed to the vibrant field of radio broadcasting, enjoying a longstanding cooperative relationship with WBOW, a commercial AM station. ISU's relationship with WBOW continued until it was granted an educational FM license. Since April, 1964, WISU-FM 89.7 has served as a laboratory facility for an estimated 2000-3000 Radio, Television, and Film majors, many of whom have moved on to stellar careers in radio broadcasting.

WISU-FM currently broadcasts with an effective radiated power of 13,500 watts from a

completely educational talk format during a 6-hour broadcast day to its current programming, which includes an alternative rock /urban music format over a 15-hour broadcast day.

Although ratings are not a primary goal for most NCE stations, we have found that listener habits can offer an interpretation of the effectiveness of a broadcast facility. According to Arbitron ratings for Terre Haute, WISU-FM is currently number two (2) in the local market in all dayparts, everyday of the week for its targeted audience (persons 24 years-old and younger).<sup>10</sup> In short, ISU has a long history of providing quality noncommercial programming to the University and the Terre Haute community and considers itself a strong potential applicant for Channel 298B.

#### **IV. INDIANA STATE UNIVERSITY WOULD BE AN EXCELLENT APPLICANT FOR CHANNEL 298B.**

ISU intends to apply for Channel 298B if it is reserved for NCE use. If ISU is granted a license to operate Channel 298B, ISU's provision of original, full-time local public broadcasting service would only enhance its long and distinguished service to Terre Haute and the Wabash Valley. Channel 298B would offer ISU the opportunity to improve its base of financial, political, and community support and would attract more students to the broadcast industry. In addition, every other major university in the state of Indiana has a broadcast outlet similar to Channel 298B, yet none of them serve the Terre Haute community. It is clear that there is a dearth of truly local programming in Terre Haute and that addressing this issue is a policy objective for the Commission. Earlier in these comments, ISU identified the broadcast needs of

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<sup>10</sup> *Arbitron Ratings, 2004 Report*

Terre Haute and the Wabash Valley, and when it applies for Channel 298B, ISU considers itself a worthy applicant.

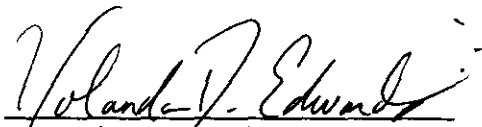
The Commission has articulated that "localism" is a policy objective that it seeks to further and that it measures localism by: (1) selection of the programming that is responsive to the needs of the community, and (2) local news quantity and quality.<sup>11</sup> We believe that ISU is well-positioned to address the local programming needs of the community and provide above par quality and quantity of local programming. ISU currently has the personnel available to provide high-quality news, public affairs, and fine arts/music programming and can marshal the University's resources to create and provide diverse programming that meets the needs of both the students and the community. For example, the Department of Music would be able to provide hours of locally originated "live" performances. The Office of Public Affairs and the Department of Communications would continue to create programming original to the University. Other departments would also join in a collaborative effort to create a wide array of local programming. Indeed, there are many potential sources of local programming within the confines of the campus and in the community. Additionally, there are many independent fine arts radio programs available for scheduling, including the Indianapolis Symphony and the WFMT Fine Arts Radio Network. Currently, these programs are not available to the Terre Haute community. As mentioned earlier, programming possibilities are endless. If granted a license to operate Channel 298B, ISU would be positioned to provide top quality and truly "local" programming.

**V. CONCLUSION**

We support the Commission's reservation of Channel 298B for NCE use and agree that such use is in the public interest. We also support the Commission's policy of promoting localism and believe that ISU would be an ideal applicant for Channel 298B because it understands the broadcast needs of the community, has the resources available to provide quality local broadcast services, and would be committed to bringing the broadcast services and talents of the University to the underserved communities of Terre Haute and the Wabash Valley.

Respectfully submitted,

**INDIANA STATE UNIVERSITY**

By:   
Teresa E. Morton, Esq.  
Yolanda D. Edwards Esq.  
Barnes & Thornburg LLP  
11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
(317) 236-1313

Its Counsel

Dated May 26, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of May, 2004, a true and accurate copy of the foregoing Comments of Indiana State University was sent by prepaid, first-class United States Mail, unless otherwise indicated, to the following:

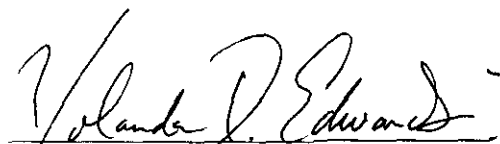
***Via Hand Delivery***

Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue NE, Suite 110  
Washington, DC 20002

Mark N. Lipp, Esq.  
c/o Word Power, Inc.  
Vinson & Elkins, LLP  
The Willard Office Building  
1455 Pennsylvania Avenue, NW  
Washington, DC 20004-1008

Harry C. Martin, Esq.  
Lee G. Petro, Esq.  
c/o Living Proof, Inc.  
Fletcher, Heald & Hildreth PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

William D. Wallace, Esq.  
c/o The Trustees of Indiana University  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

  
Yolanda D. Edwards